IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No.2249 of 2005

Between:

R. Kanaka Rao, S/o. Sri R. Talupulu,
C/o. Food Corporation of India, Kazipet, Warangal District.

..... PETITIONER

AND

1. The Food Corporation of India, HACA Bhawan, Saifabad,

Hyderabad, rep. by its Senior Regional Manager.
2 The District Manager, Food Corporation of India,
Warangal District Office, Warangal.
3 The District Manager, Food Corporation of India,
Hubli, Hubli District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to Issue an order, direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the order No. V&S 32/226/04 dt. 27.12.2004 as illegal, arbitrary and violative of principles of natural justice ii) declare the order No. V & S 32/226/04 dt. 29.12.2004 as illegal, arbitrary and (iii) consequently set aside the proceedings NO.V&S 32/226/04 dated 27.12.2004 and proceedings No.V&S 32/226/04 dated 29.12.2004.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 to 3: MR.B.ANJANEYULU

The Court at the admission stage made the following O R D E R:

At the request of the learned counsel appearing on both sides, the main writ petition is taken up for hearing and disposal.

Questioning the order No.V&S 32/226/04 dated 27.12.2004 including the consequential proceedings No.V&S 32/226/04 dated 29.12.2004 issued by the third respondent, this writ petition is filed.

It is brought to the notice of this Court by the learned Standing Counsel appearing for the respondent that as against the impugned order statutory appeal lies to the first respondent within forty five days from the date of receipt of the said order. The learned standing counsel also submitted that till the disposal of the appeal, they will not pursue the recovery of monthly instalments from the petitioner.

Therefore, without going into the merits of the case, as there is a statutory right of appeal against the impugned order, this Court is of the view that the petitioners can, as well avail the said remedy by filing the appeal before the competent authority.

In the result, the writ petition is disposed of directing the petitioner to file statutory appeal before the competent authority, which shall be considered and disposed of by the appellate authority within two months from the date of filing of the appeal. In the meanwhile, the respondents are directed not to recover the monthly instalments from the petitioners in pursuance of the impugned proceedings. In the

circumstances no costs.

10.02.2005

usd

To

1. The Senior Regional Manager, Food Corporation of India, HACA Bhawan, Saifabad, Hyderabad.

2. The District Manager, Food Corporation of India, Warangal District Office, Warangal.

3. The District Manager, Food Corporation of India,

Hubli, Hubli District.

4. Two CD copies.